

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Lieu
(Coauthors: Assembly Members Huffman, Monning, Ruskin, and
Saldana)
(Coauthor: Senator DeSaulnier)

February 26, 2009

An act to amend Section 18930.5 of the Health and Safety Code, *and to add Section 25402.11 to the Public Resources Code*, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Lieu. Green building standards.

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy conservation and water efficiency standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. Existing law requires the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

~~This bill would revise the commission's requirement to adopt, approve, codify, update, and publish green building standards from a~~

state agency. The bill would authorize any state agency, including, but not limited to, several specified agencies, to propose to the commission mandatory green building standards in their area of expertise.

This bill would require the commission or any state agency proposing green building standards to seek the input of other state agencies and consult with representatives from specified groups, as prescribed. The bill would require any agency providing input to recommend to the commission or proposing agency whether the standard should be voluntary or mandatory. The bill would require that the green building standards adopted and approved by the commission be inserted into the appropriate part relevant parts of the California Building Standards Code. The bill would also require authorize the State Energy Resources Conservation and Development Commission to develop and adopt voluntary energy efficiency or water efficiency standards, as described.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. (a) The Legislature finds and declares that in~~
2 ~~future rulemaking cycles, the green building standards developed~~
3 ~~by the Building Standards Commission will be integrated into the~~
4 ~~main body of the California Building Standards Code. These~~
5 ~~standards, which include the current green building standards, will~~
6 ~~constitute mandatory state minimum standards. Thus, Part 11~~
7 ~~(commencing with Section 101) of Title 24 of the California Code~~
8 ~~of Regulations that is known as the California Building Standards~~
9 ~~Code will cease to be named the “Green Building Standards Code”~~
10 ~~and remain empty. These green building standards will be subject~~
11 ~~to the same regular update cycle as prescribed by law.~~

12 ~~(b)–~~

13 ~~SECTION 1.~~ It is the intent of the Legislature that all of the
14 following occur:

15 ~~(1)~~

16 ~~(a)~~ The Building Standards Commission should receive
17 proposed green building standards from other state agencies with
18 expertise in green building principles.

19 ~~(2)~~

20 ~~(b)~~ Consistent with current practice, if another state agency or
21 department proposes building standards in its area of expertise,

1 the commission should guide the proposed standards through a
2 process for public and expert review before adopting them.

3 ~~(3)~~

4 (c) If any technical modifications are necessary, the commission
5 should report back to the submitting agency on its reason for
6 altering a particular standard.

7 ~~(4)~~

8 (d) The commission should develop green building standards
9 in an open-public process and provide ample opportunity for input
10 from all stakeholders.

11 SEC. 2. Section 18930.5 of the Health and Safety Code is
12 amended to read:

13 18930.5. (a) If no state agency has the authority *or expertise*
14 to propose ~~or adopt~~ green building standards *applicable to a*
15 *particular occupancy*, the commission shall adopt, approve, codify,
16 update, and publish ~~mandatory~~ green building standards *for those*
17 *occupancies*.

18 ~~(b) Any state agency may propose to the commission green~~
19 ~~building standards in their area of expertise, provided the proposed~~
20 ~~standards do not conflict with authority granted under other laws~~
21 ~~or regulations, including, but not limited to, all of the following:~~

22 (b) *In developing green building standards, the commission or*
23 *any state agency proposing standards shall seek the input of other*
24 *state agencies including, but not limited to, all of the following:*

25 (1) The California Environmental Protection Agency.

26 (2) The California Integrated Waste Management Board.

27 (3) The State Air Resources Board.

28 (4) The Department of Water Resources.

29 ~~(5) The Department of General Services.~~

30 ~~(6) The Office of the State Fire Marshal.~~

31 ~~(7) The Department of Housing and Community Development.~~

32 ~~(8) The Department of Toxic Substances Control.~~

33 ~~(9) The California Health and Human Services Agency.~~

34 ~~(10) The Department of Transportation.~~

35 (e) ~~Consistent with this part, the commission shall guide the~~
36 ~~proposed mandatory standards through a process for public and~~
37 ~~expert review before their adoption. If any technical modifications~~
38 ~~are necessary, the commission shall report back to the submitting~~
39 ~~agency with the reason for altering a particular standard.~~

~~(d) The green building standards developed and adopted by the commission pursuant to this section shall be inserted into the California Building Standards Code, where appropriate, and cease to comprise Part 11 (commencing with Section 101) of Title 24 of the California Code of Regulations that is known as the California Building Standards Code.~~

~~(e) (1) The State Energy Resources Conservation and Development Commission shall develop, adopt, and submit to the commission voluntary energy efficiency or water efficiency standards.~~

~~(2) The voluntary standards specified in paragraph (1) shall be considered green building standards for purposes of this section and shall meet or exceed the standards adopted by the commission pursuant to Sections 25401.9 and 25402 of the Public Resources Code.~~

~~(3) Nothing in this subdivision shall alter the existing authority of the State Energy Resources Conservation and Development Commission to develop and adopt energy and water efficiency standards pursuant to Sections 25401.9 and 25402 of the Public Resources Code.~~

~~(f) Green building standards proposed or adopted by authorized agencies and adopted or approved by the commission pursuant to this section shall minimize the building's impact on the environment through efficient use of natural resources, enhance occupant comfort and health, and reduce strain on the local infrastructure while utilizing best available technology and building practices. These building standards include, but are not limited to, standards relating to site planning, water efficiency, energy efficiency, materials and resource efficiency, reduction of toxic chemicals, indoor air quality, and environmental quality.~~

~~(g) Nothing in this section shall alter the authority of another state agency to develop, propose, or adopt standards pursuant to Section 18930 and Sections 25402 and 25401.9 of the Public Resources Code.~~

~~(5) The Department of Toxic Substances Control.~~

~~(6) The State Department of Public Health.~~

~~(7) The Department of Transportation.~~

~~(c) If the commission or an agency that proposes green building standards receives input from another state agency and the input is consistent with the agency's mandate, the commission or the~~

1 receiving agency shall consider, give great weight to, and respond
2 in writing to, the input provided. A written response is intended
3 to serve as an acknowledgment of the receipt and consideration
4 of input and allow the public to track the development of green
5 building standards.

6 (d) In developing green building standards, the commission or
7 any state agency proposing the standards shall also consult with
8 representatives from all of the following:

- 9 (1) Environmental advocacy groups.
10 (2) Interested local government and code enforcement entities.
11 (3) The building construction and design industry.
12 (4) Interested public parties.

13 (e) In addition to meeting the requirements of subdivision (b),
14 the development of green building standards shall comply with
15 the process described in Section 18930.

16 (f) An agency that provides input regarding green building
17 standards, as described in subdivisions (b) and (c), shall
18 recommend to the commission or agency proposing the standard
19 whether the standard should be voluntary or mandatory. Voluntary
20 standards shall exceed mandatory standards where such mandatory
21 standards exist.

22 (g) The green building standards adopted or approved by the
23 commission pursuant to this section shall, at a minimum, be
24 inserted into the relevant part of the California Building Standards
25 Code, where appropriate.

26 SEC. 3. Section 25402.11 is added to the Public Resources
27 Code, to read:

28 25402.11. (a) The commission may develop, adopt, and submit
29 to the commission voluntary energy efficiency standards.

30 (b) The voluntary standards specified in subdivision (a) shall
31 be considered green building standards for the purposes of Section
32 18930.5 of the Health and Safety Code and shall exceed the
33 mandatory standards adopted by the commission pursuant to
34 Section 25402.